

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	Art Unit:	2424
David B. Andersen et al.	§		
	§	Examiner:	Son P. Huynh
Serial No.:	§		
10/074,484	§	Conf. No.:	7314
Filed:	§		
February 11, 2002	§	Docket:	ITL.2155US
For:	§		P12916
Identification of Programming	§		
Having Supplementary Content	§	Assignee:	Intel Corporation
	§		

Mail Stop **Appeal Brief-Patents**  
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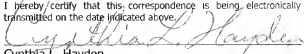
**REPLY BRIEF**

The rejection should be reversed because the Examiner has failed to apply all of the claims limitations, particularly in connection with the two screen interactivity mode. Instead of applying the limitations in the claim, the Examiner attempts to ignore those limitations to give an overly broad interpretation of two screen interactivity mode. He attempts to do this by simply redefining two screen interactivity mode to be a two screen mode and then broadly defines screen using a new definition based on extrinsic evidence never proffered during the prosecution of the case.

The Examiner looks to heretofore uncited dictionary definitions and strained applications of case law instead of reading the explicit claim language. This is impermissible and merits reversal.

Specifically, the claim defines the two screen interactivity mode:

... a two screen interactivity mode to display, on a second screen,  
second interactive content synchronized to the television program  
on the first screen.

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Cynthia L. Hayden

Thus, the claim explicitly explains what the two screen interactivity mode is. Namely, second interactive content is displayed on the second screen, synchronized to a television program on the first screen.

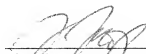
Plainly, the Examiner concedes he does not have this limitation. That is because he attempts to either ignore the limitations on the grounds that they are improper method limitations or attempts to redefine the claim terms. For example, the argument that "first predefined unique symbol" or "second predefined unique signal" are drawn to descriptive material not functionality related to a method is untenable. The claim requires an action with respect to the first predefined unique symbol by calling for associating it with a first type of content, for example. Therefore, there is no basis to simply ignore limitations which are the objects acted upon just because they are put in method format. If the Examiner's proposition of law were correct, all of the objects acted on in any method could be removed, resulting in a totally meaningless claim.

Second, the Examiner attempts to redefine the claim limitations to say that anything that works with two screens meets the claimed limitations. To this end, he morphs the claims into something that he believes would cover a picture-in-picture display. A picture-in-picture display would include one picture from one channel in a box overlaying a picture from another channel. But the claim calls for the second screen to contain interactive content synchronized to the television program. This does not happen in a picture-in-picture display. You do not get interactive content in one of the picture and picture displays, you just get a different channel.

Thus, the Examiner's attempt to improperly broaden the claim is untenable and is a basis for reversal.

Respectfully submitted,

Date: February 22, 2010



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